

**Appl. No.** : 10/700,971  
**Filed** : November 4, 2003

### **REMARKS**

Claims 1-109 were pending. Claim 2 has been amended for consistency. Support for claim 2 as amended can be found throughout the specification and at claim 2 as originally filed. Thus, the amendment adds no new matter. Claims 104-109 are hereby canceled, without prejudice or disclaimer, in response to the present Restriction Requirement.

The information disclosure statement filed together with this amendment includes cited references and Office Actions from related applications.

The Examiner required restriction under 35 U.S.C. § 121 to one of the following allegedly distinct inventions:

- I. Claims 1-103, drawn to an oligomeric compound comprising at least one conjugate moiety, classified in class 536, subclass 24.5.
- II. Claims 104-109, drawn to a method of inhibiting expression of a target gene via an oligomeric compound comprising at least one conjugate moiety, classified in class 514, subclass 44.

Office Action at page 2. Without acquiescing to the Examiner's assertion that the groups are patentably distinct, Applicants select group I.

The Examiner also required species elections and requested in the notice of non-compliant amendment that Applicants indicate which claims read on the elected species. See Action at page 3 and notice of non-compliant amendment. The Examiner required election of conjugates attached at either a terminal position or an internal position. See *id.* Without acquiescing to the Examiner's assertion that species election is necessary, Applicants elect conjugates attached at a terminal position, as recited in claims 16, 51, and 78. The Examiner required election of conjugation at a base or at a subunit linkage. See *id.* Without acquiescing to the Examiner's assertion that species election is necessary, Applicants elect conjugates attached to a monomeric subunit, as recited in claims 19, 54, and 82. The Examiner required election of one conjugate, noting, though, that Applicant may elect generic, sub-generic conjugates. See *id.* Without acquiescing to the Examiner's assertion that species election is

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necessary, Applicants elect a conjugate moiety that is a steroid, more specifically cholesterol or a cholesterol derivative, or more specifically cholesterol, as recited in claims 23, 24, 58, 59, 86, and 87.

Claims 1 to 14, 16, 17, 19, 21 to 25, 32, 36 to 49, 51, 52, 54 to 60, 67, 70 to 76, 78 to 80, 82, 84 to 88, 95, and 99 to 103 read on the elected species. Applicants acknowledge that the Examiner considers claims 1, 38, and 70 to be generic.

### **Conclusion**

Applicants believe that the foregoing constitutes a complete and full response to the official action of record. Accordingly, an early and favorable action is respectfully requested.

Respectfully submitted,

Date: February 26, 2008

/Jane E. Inglese/  
Jane E. Inglese, Ph.D.  
Registration No. 48,444

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439